

IN RE: PETITION FOR ZONING VARIANCE
N/S Bird River Road, 550' E
of the c/l of Vincent Farm Road
(10414 Bird River Road)
15th Election District - 5th Councilmanic District
Michael Homsey, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-291-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 feet in lieu of the required 25 feet and to approve the subject property with a minimum diametral of 100 feet in lieu of the required 150 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Michael Homsey, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 10414 Bird River Road, consists of 1.425 acres zoned R.C. 3 and is improved with a single family dwelling and two car garage. Petitioners are desirous of razing the existing masonry dwelling, which is approximately 100 years old and requires new plumbing and electric, and replacing same with a new, two-story dwelling as depicted on Petitioner's Exhibit 1. Testimony indicated that the relief requested is necessary due to the size of the lot, which was developed prior to the zoning regulations, and the location of the existing garage. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that the adjoining property owners have no objections to their plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April, 1991 that the Petition for Zoning Variance to permit a side yard setback of 10 feet in lieu of the required 25 feet and to approve the subject property with a minimum diametral of 100 feet in lieu of the required 150 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed additions to the proposed new dwelling to be converted to a second dwelling unit and/or apartments. The subject dwelling shall have only one kitchen.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 2, 1991

Mr. & Mrs. Michael Homsey, III
10414 Bird River Road
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
N/S Bird River Road, 550' E to the c/l of Vincent Farm Road
(10414 Bird River Road)
15th Election District - 5th Councilmanic District
Michael Homsey, III, et ux - Petitioners
Case No. 91-291-A

Dear Mr. & Mrs. Homsey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Redcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A02.3 B.4. TO PERMIT A SIDE DWELLING SETBACK OF 10 FT. IN LIEU OF THE REQUIRED 25 FT. AND TO ALLOW AN EXISTING

(IMPROVED) LOT WITH A MINIMUM DIAMETRAL OF 100 FT. IN LIEU OF 150 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) MICHAEL HOMSEY 3RD
Signature *Michael Homsey III*
BETTY A. E. HOMSEY
(Type or Print Name)
Address *Betty A. E. Homsey*
City and State
Attorney for Petitioner: M. 688-6954
(Type or Print Name) H. 318-6996
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of January, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore County, on the 28 day of March, 1991, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ATTACHMENT FOR
PETITION FOR ZONING VARIANCE

1. WITH OUT OFFSETTING THE PROPOSED NEW DWELLING WITH IN 10 FEET OF THE EAST SIDE OF THE LOT, AN EXISTING PAVED DRIVE WAY RUNNING ALONG THE WEST SIDE OF THE EXISTING DWELLING COULD NOT BE USED, CAUSING A UNNECESSARILY BURDENSOME.

2. THE EXISTING DWELLING IS A 50 (50 PLUS) YEAR OLD BLOCK HOUSE BUILT WITH ANTIQUATED BUILDING TECHNIQUES. ALL MAJOR SYSTEMS NEEDS REPLACED OR UPGRADED. THE REPLACEMENT AND/OR UPGRADES OF MAJOR SYSTEMS WOULD COST MORE THEN CONSTRUCTION OF A NEW DWELLING AND WITHOUT THE REPLACEMENT OF THE DWELLING WOULD RENDER THE PROPERTY USELESS.

3. ALTHOUGH THE HOUSE NEEDS REPLACED, THE DETACHED GARAGE IS OF SOLID CONSTRUCTION AND DOES NOT NEED REPLACED. BECAUSE THE LOT, EXISTING DWELLING AND GARAGE WERE BUILT/RECORDED BEFORE LOCAL ZONING LAWS WERE ENACTED, NO CONSIDERATION WAS GIVEN TO LOT SIZE (WIDTH) AND PLACEMENT OF THE EXISTING BUILDINGS. IF THE HOUSE WAS REPLACE WITH A MODERATE MODERN HOUSE USING EXISTING ZONING LAWS, THESE LAWS WOULD PREVENT THE USE OF 2/3 OF THE GARAGE AND LIMIT THE HOUSE TO LESS THEN A MODERATE MODERN SIZE HOUSE.

ZONING DESCRIPTION

Beginning at a point on the north side of Bird River Road which is 25 feet wide at the distance of 550 feet east of the centerline of the nearest improved intersecting street Vincent Farm Lane which is 30 feet wide. As recorded in Deed Liber 7701, Folio 487, S.86°27'E. 100 ft., N.3°33'E. 632.16 ft., N.70°38'W. 103.94 ft., S.3°33'W. 660.55 ft. to the place of beginning. Containing 1.425 acres of land. Also known as 10414 Bird River Road, Baltimore Maryland 21220 and located in the #15 District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 3/12/91
Posted for: Variance
Petitioner: Michael Homsey, III, et ux
Location of property: N/S Bird River Rd., 550' E to Vincent Farm Lane
10414 Bird River Rd.
Location of Sign: Bird River Rd., across Vincent Farm Lane
on property of Baltimore
Remarks:
Posted by William Date of return: 3/15/91
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
Case Number: 91-291-A
N/S Bird River Road, 550' to c/l of Vincent Farm Lane
10414 Bird River Road
15th Election District - 5th Councilmanic District
Petitioner(s): Michael Homsey, III, et ux

HEARING: January 28, 1991
At 2:00 P.M.
Variance to permit a side dwelling setback of 10 ft. in lieu of the required 25 ft. and to allow an existing lot of 100 ft. in lieu of 150 ft.

J. Robert Haines
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., March 1 1991

This is to Certify, That the annexed

Notice

Co # 0110389

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of one successive

weeks before the 1st day of

March, 1991

J. Robert Haines Publisher.

\$18.38

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-5, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-28, 1991

THE JEFFERSONIAN,

Publisher

\$ 37.50

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-291-A
N/S Bird River Road, 550' to c/l Vincent Farm Lane
10414 Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Michael Homsey, III, et ux
HEARING: THURSDAY, MARCH 28, 1991 at 2:00 p.m.
Variance: to permit a side dwelling setback of 10 ft. in lieu of the required 25 ft. and to allow an existing (improved) lot with a minimum dimension of 100 ft. in lieu of 150 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
20247 Feb. 28

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

12/17/90

H9100246

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: HOMSEY

Please Make Checks Payable To: Baltimore County 3/10/91 17:59 \$35.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

3/28/91

H9100870

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING 1 X		\$80.90
TOTAL:		\$80.90

LAST NAME OF OWNER: HOMSEY

Please Make Checks Payable To: Baltimore County 04404#0128MTCRC 3/28/91 12:43PM 28-28-91 \$80.90

Cashier

receipt

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

Mr. & Mrs. Michael Homsey, 3rd
10414 Bird River Road
Baltimore, Maryland 21220

RE:
Case Number: 91-291-A
N/S Bird River Road, 550' to c/l Vincent Farm Lane
10414 Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Michael Homsey, III, et ux
HEARING: THURSDAY, MARCH 28, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 80.90 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 7, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-291-A
N/S Bird River Road, 550' to c/l Vincent Farm Lane
10414 Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Michael Homsey, III, et ux
HEARING: THURSDAY, MARCH 28, 1991 at 2:00 p.m.

Variance to permit a side dwelling setback of 10 ft. in lieu of the required 25 ft. and to allow an existing (improved) lot with a minimum dimension of 100 ft. in lieu of 150 ft.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Michael Homsey, 3rd, et ux

J. Robert Haines

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 18, 1991

Mr. & Mrs. Michael Homsey
10414 Bird River Road
Baltimore, MD 21220

RE: Item No. 246, Case No. 91-291-A
Petitioner: Michael Homsey, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Homsey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 15th day of January, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Michael Homsey, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 25, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Albert Jones, Item No. 245
Michael Homsey, III, Item No. 246 /
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard E. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

received
1/28/91

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

February 14, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 245, 246, 260, 262, 265, 267, 269, 271 and 273.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvd

received
3/7/90

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 14, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL HOMSEY 3RD
Location: #10414 BIRD RIVER ROAD
Item No.: 246 Zoning Agenda: JANUARY 14, 1991

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1998 edition prior to occupancy. CHAPTER 22

REVIEWER: *[Signature]* 1-14-91 Noted and Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
initial

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 273.

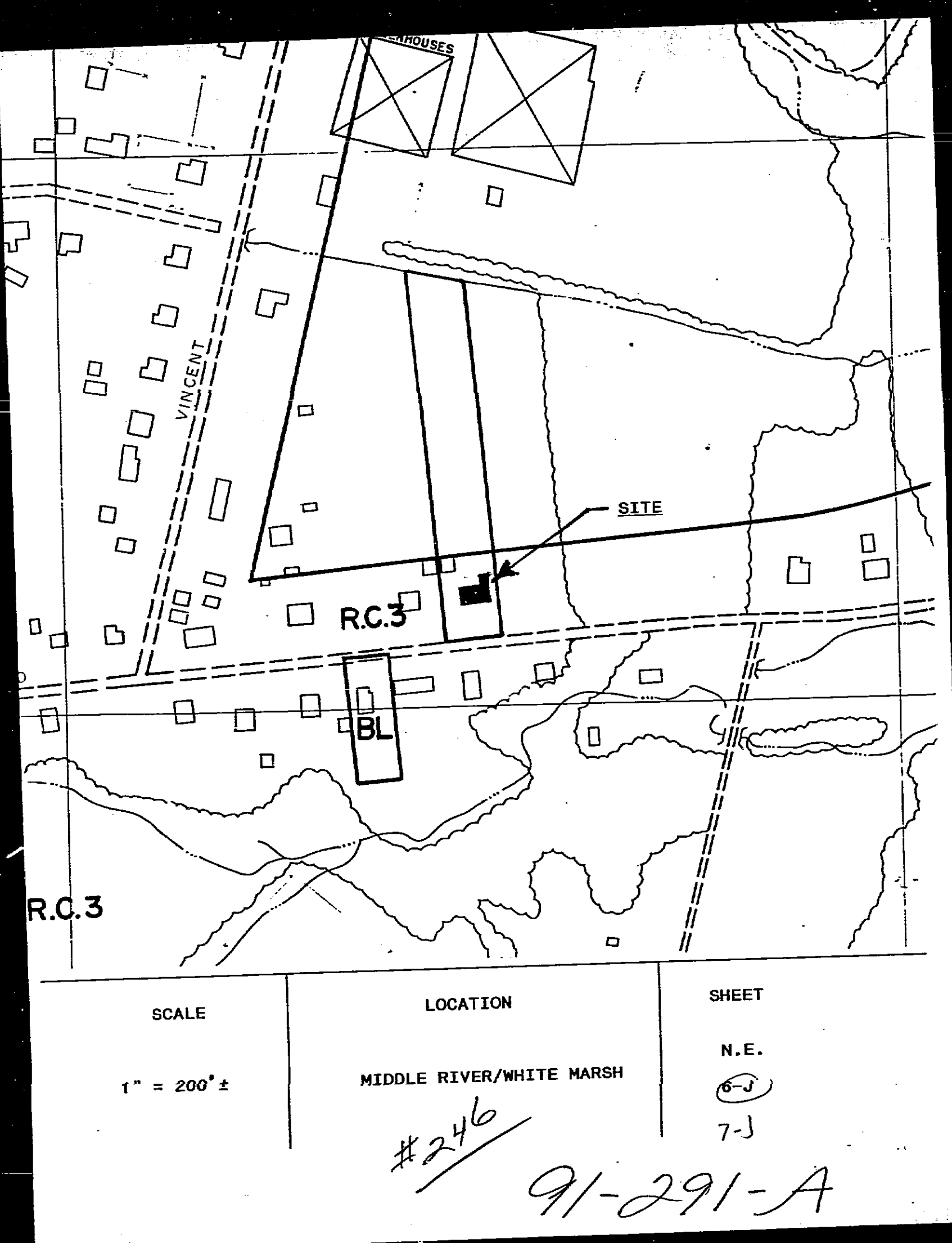
For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

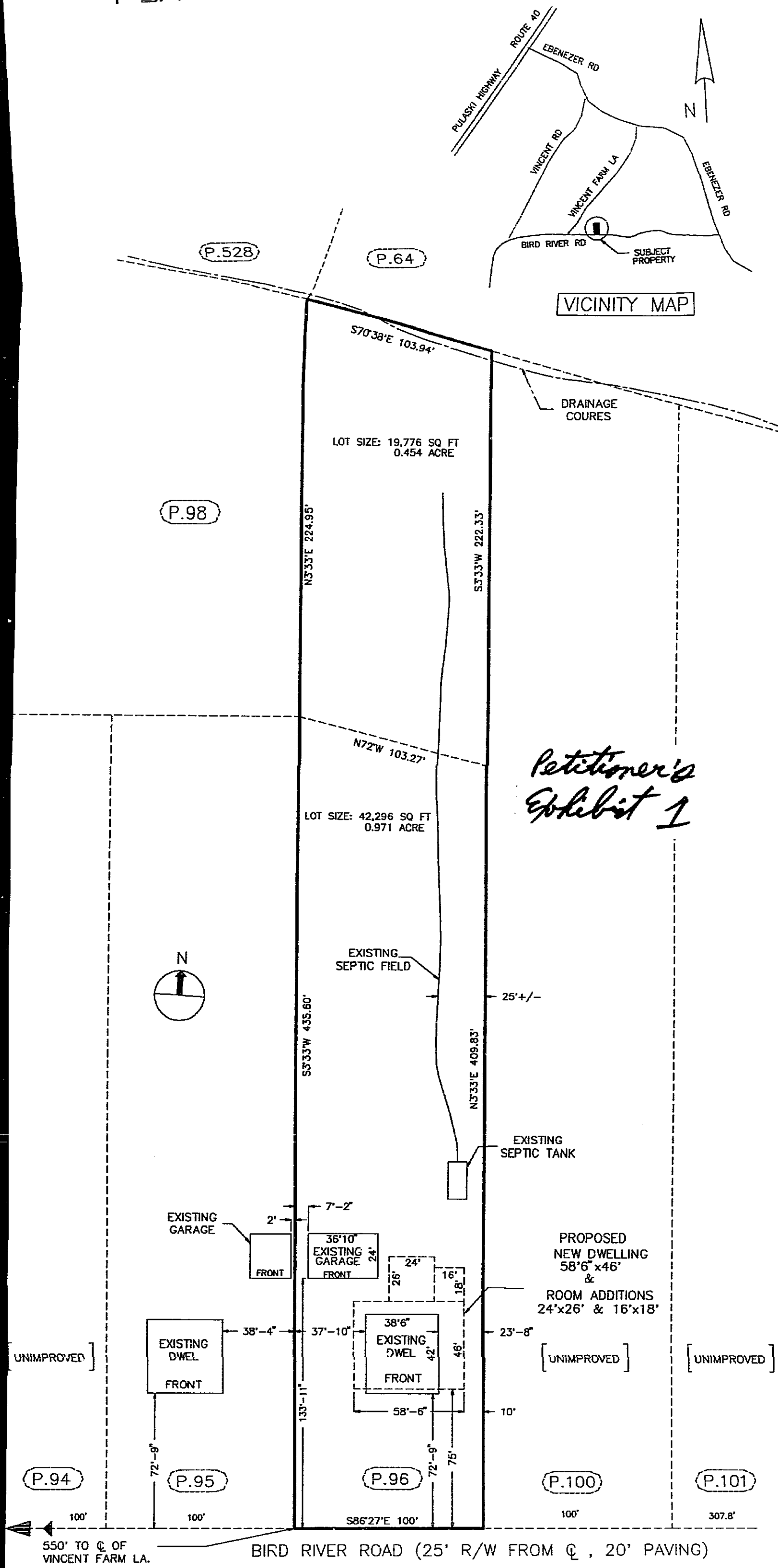
For Item 260, the site is subject to the minor subdivision process for review and comments.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



PLAT FOR ZONING VARIANCE

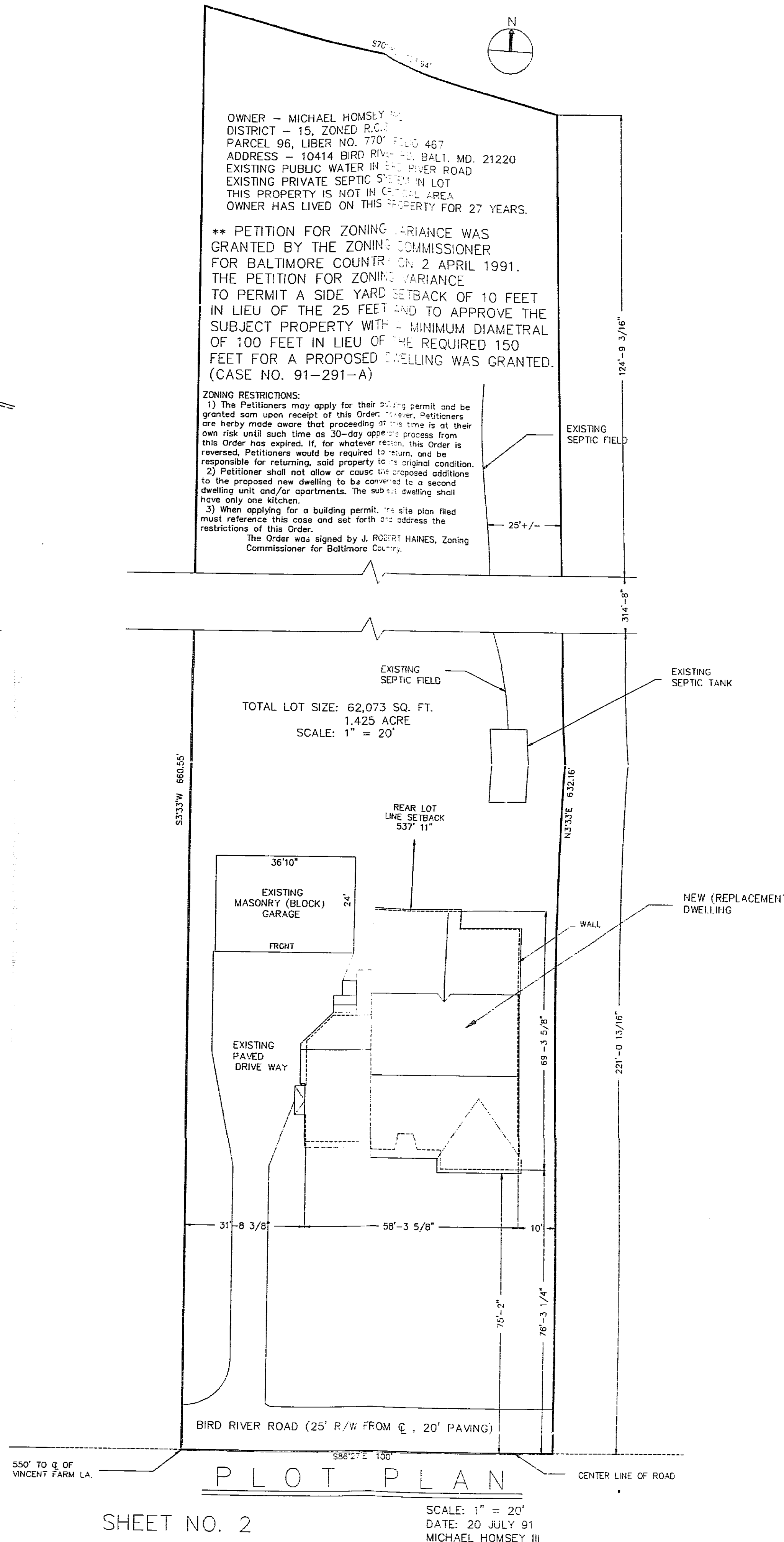


TOTAL LOT SIZE: 62,073 SQ. FT. 1.425 ACRE
SCALE: 1" = 50'

PLAT FOR ZONING VARIANCE
OWNER - MICHAEL HOMSEY 3RD
DISTRICT - 15, ZONED R.C.3
PARCEL 96, LIBER NO. 7701, FOLIO 467
ADDRESS - 10414 BIRD RIVER RD, BALTO. MD. 21220
EXISTING PUBLIC WATER IN BIRD RIVER ROAD
EXISTING PRIVATE SEPTIC SYSTEM IN LOT
THIS PROPERTY IS NOT IN CRITICAL AREA

246

8th 00. 91-291-A



SHEET NO. 2

SCALE: 1" = 20'
DATE: 20 JULY 91
MICHAEL HOMSEY III

6099838-NZ
Zoning